

Union Calendar No. 454

106TH CONGRESS
2^D SESSION

H. R. 2462

[Report No. 106-787]

To amend the Organic Act of Guam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. UNDERWOOD (for himself, Mr. YOUNG of Alaska, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Resources

JULY 25, 2000

Reported with an amendment, committed to the Committee on the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 1, 1999]

A BILL

To amend the Organic Act of Guam, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Guam Omnibus Oppor-*
 3 *tunities Act”.*

4 **SEC. 2. GUAM LAND RETURN ACT.**

5 (a) *SHORT TITLE.*—*This section may be cited as the*
 6 *“Guam Land Return Act”.*

7 (b) *TRANSFER OF EXCESS REAL PROPERTY.*—

8 (1) *NOTICE OF AVAILABILITY.*—*Except as pro-*
 9 *vided in subsection (e), before screening excess real*
 10 *property located on Guam for further Federal used*
 11 *under section 202 of the Federal Property and Ad-*
 12 *ministrative Services Act of 1949 (40 U.S.C. 471 et*
 13 *seq.), the Administrator shall notify the Government*
 14 *of Guam that the property is available for transfer to*
 15 *the Government of Guam pursuant to this section.*

16 (2) *OPPORTUNITY FOR ACQUISITION BY GUAM.*—
 17 *If the Government of Guam, within 180 days after re-*
 18 *ceiving notification under paragraph (1) with regard*
 19 *to certain real property, notifies the Administrator*
 20 *that the Government of Guam intends to acquire the*
 21 *property under this section, the Administrator shall*
 22 *transfer such property to the Government of Guam in*
 23 *accordance with subsections (c) and (d). Otherwise,*
 24 *the Administrator shall dispose of the property in ac-*
 25 *cordance with the Federal Property and Administra-*
 26 *tive Services Act of 1949 (40 U.S.C. 471 et seq.).*

1 (c) *COMPENSATION*.—A transfer of excess real property
2 under subsection (b) to the Government of Guam for a pub-
3 lic purpose shall be made without reimbursement or other
4 compensation from the Government of Guam.

5 (d) *CONDITIONS*.—

6 (1) *RESTRICTIVE COVENANTS*.—All transfers of
7 excess real property under subsection (b) to the Gov-
8 ernment of Guam shall be subject to such restrictive
9 covenants as the Administrator determines to be nec-
10 essary to ensure that—

11 (A) the use of the property is compatible
12 with continued military activities on Guam;

13 (B) the use of the property is consistent
14 with the environmental condition of the prop-
15 erty;

16 (C) access is available to the United States
17 to conduct any additional environmental remedi-
18 ation or monitoring that may be required;

19 (D) to the extent the property was trans-
20 ferred for a public purpose, the property is so
21 used; and

22 (E) to the extent the property has been used
23 by another Federal agency for a minimum of
24 two years, the transfer to the Government of
25 Guam is subject to the terms and conditions of

1 *those permit interests until the expiration of*
2 *those permits.*

3 (2) *CONSULTATION.*—*In the case of real property*
4 *reported excess by a military department and in all*
5 *cases with respect to paragraph (1)(A), the Adminis-*
6 *trator shall consult with the Secretary of Defense re-*
7 *garding the restrictive covenants to be imposed on a*
8 *transfer of the property.*

9 (3) *OTHER LAWS.*—*All transfers of excess real*
10 *property under subsection (b) to the Government of*
11 *Guam are subject to all otherwise applicable Federal*
12 *laws, except section 2696 of title 10, United States*
13 *Code. Any property that the Government of Guam*
14 *has the opportunity to acquire under subsection (b)*
15 *shall not be subject to section 501 of the Stewart B.*
16 *McKinney Homeless Assistance Act (42 U.S.C.*
17 *11411).*

18 (e) *EXEMPTIONS.*—*Notwithstanding that real property*
19 *located on Guam and described in this subsection may be*
20 *excess real property, this section shall not apply—*

21 (1) *to real property on Guam that is located*
22 *within the Guam National Wildlife Refuge, which*
23 *shall be transferred in accordance with subsection (f);*

24 (2) *to real property described in the Guam Ex-*
25 *cess Lands Act (Public Law 103–339, 108 Stat.*

1 3116), which shall be disposed of in accordance with
2 such Act; or

3 (3) to real property on Guam that is declared ex-
4 cess as a result of a base closure law.

5 (f) *TREATMENT OF GUAM NATIONAL WILDLIFE REF-*
6 *UGE LANDS.*—

7 (1) *NOTIFICATION OF AVAILABILITY; NEGOTIA-*
8 *TIONS.*—*The Administrator shall notify the Govern-*
9 *ment of Guam and the Fish and Wildlife Service that*
10 *real property within the Guam National Wildlife Ref-*
11 *uge has been declared excess. The Government of*
12 *Guam and the Fish and Wildlife Service shall have*
13 *180 days to engage in discussions toward an agree-*
14 *ment providing for the future ownership and manage-*
15 *ment of the real property.*

16 (2) *TRANSFER AND MANAGEMENT UNDER AGREE-*
17 *MENT.*—*If the parties reach an agreement under*
18 *paragraph (1) within the 180-day period and the*
19 *agreement is submitted to the Committee on Energy*
20 *and Natural Resources of the United States Senate*
21 *and the Committee on Resources of the United States*
22 *House of Representatives not less than 60 days prior*
23 *to any transfer of the real property under the agree-*
24 *ment, the property shall be transferred and managed*

1 *in accordance with the agreement. Any such transfer*
2 *shall be subject to the other provisions of this section.*

3 (3) *EFFECT OF LACK OF AGREEMENT.—If the*
4 *parties do not reach an agreement under paragraph*
5 *(1) within the 180-day period, the Administrator*
6 *shall provide a report to Congress on the status of the*
7 *discussions, together with recommendations on the*
8 *likelihood of resolution of differences and the com-*
9 *ments of the Fish and Wildlife Service and the Gov-*
10 *ernment of Guam. If the subject property is under the*
11 *jurisdiction of a military department, the Secretary*
12 *of the military department may transfer administra-*
13 *tive control over the property to the General Services*
14 *Administration. Absent an agreement on the future*
15 *ownership and use of the property, the property may*
16 *not be transferred to another Federal agency or out*
17 *of Federal ownership except pursuant to an Act of*
18 *Congress specifically identifying the property.*

19 (4) *EVENTUAL AGREEMENT.—If the parties come*
20 *to an agreement prior to congressional action in re-*
21 *sponse to a report under paragraph (3) and the*
22 *agreement is submitted to the Committee on Energy*
23 *and Natural Resources of the United States Senate*
24 *and the Committee on Resources of the United States*
25 *House of Representatives not less than 60 days prior*

1 to any transfer of the real property under the agree-
 2 ment, the real property shall be transferred and man-
 3 aged in accordance with the agreement. Any such
 4 transfer shall be subject to the other provisions of this
 5 section.

6 (g) *DUAL CLASSIFICATION PROPERTY.*—If a parcel of
 7 real property on Guam that is declared excess as a result
 8 of a base closure law also falls within the boundary of the
 9 Guam National Wildlife Refuge, such parcel of property
 10 shall be disposed of in accordance with the base closure law.

11 (h) *AUTHORITY TO ISSUE REGULATIONS.*—The Ad-
 12 ministrators of General Services, after consultation with the
 13 Secretary of Defense and the Secretary of Interior, may
 14 issue such regulations as the Administrator deems necessary
 15 to carry out this section.

16 (i) *DEFINITIONS.*—For the purposes of this section:

17 (1) The term “Administrator” means—

18 (A) the Administrator of General Services;

19 or

20 (B) the head of any Federal agency with the
 21 authority to dispose of excess real property on
 22 Guam.

23 (2) The term “base closure law” means the De-
 24 fense Base Closure and Realignment Act of 1990
 25 (part A of title XXIX of Public Law 101–510; 10

1 *U.S.C. 2687 note), title II of the Defense Authoriza-*
2 *tion Amendments and Base Closure and Realignment*
3 *Act (Public Law 100–526; 10 U.S.C. 2687 note), or*
4 *similar base closure authority.*

5 *(3) The term “excess real property” means excess*
6 *property (as that term is defined in section 3 of the*
7 *Federal Property and Administrative Services Act of*
8 *1949 (40 U.S.C. 472)) that is real property and was*
9 *acquired by the United States prior to the enactment*
10 *of this section.*

11 *(4) The term “Guam National Wildlife Refuge”*
12 *includes those lands within the refuge overlay under*
13 *the jurisdiction of the Department of Defense, identi-*
14 *fied as Department of Defense lands in figure 3, on*
15 *page 74, and as submerged lands in figure 7, on page*
16 *78 of the “Final Environmental Assessment for the*
17 *Proposed Guam National Wildlife Refuge, Territory*
18 *of Guam, July 1993” to the extent that the Federal*
19 *Government holds title to such lands.*

20 *(5) The term “public purpose” means those pub-*
21 *lic benefit purposes for which the United States may*
22 *dispose of property pursuant to section 203 of the*
23 *Federal Property and Administrative Services Act of*
24 *1949 (40 U.S.C. 484), as implemented by the Federal*
25 *Property Management Regulations (41 CFR 101–47)*

1 *or other public benefit uses provided under the Guam*
 2 *Excess Lands Act (Public Law 103–339; 108 Stat.*
 3 *3116).*

4 **SEC. 3. GUAM FOREIGN DIRECT INVESTMENT EQUITY ACT.**

5 (a) *SHORT TITLE.*—*This section may be cited as the*
 6 *“Guam Foreign Direct Investment Equity Act”.*

7 (b) *IN GENERAL.*—*Subsection (d) of section 31 of the*
 8 *Organic Act of Guam (48 U.S.C. 1421i) is amended by add-*
 9 *ing at the end the following new paragraph:*

10 *“(3) In applying as the Guam Territorial income tax*
 11 *the income-tax laws in force in Guam pursuant to sub-*
 12 *section (a) of this section, the rate of tax under sections*
 13 *871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the In-*
 14 *ternal Revenue Code of 1986 on any item of income from*
 15 *sources within Guam shall be the same as the rate which*
 16 *would apply with respect to such item were Guam treated*
 17 *as part of the United States for purposes of the treaty obli-*
 18 *gations of the United States.”.*

19 (c) *CERTAIN GUAM-BASED TRUSTS EXEMPT.*—*The*
 20 *provisions of this section shall not apply to any Guam-*
 21 *based trust formed pursuant to Division 2 of Title 11,*
 22 *Chapter 160, of the Guam Code Annotated.*

23 (d) *EFFECTIVE DATE.*—*The amendment made by sub-*
 24 *section (b) shall apply to amounts paid after the date of*
 25 *the enactment of this Act.*

1 **SEC. 4. IMPORTATION OF BETEL NUTS (“ARECA NUTS”) FOR**
2 **PERSONAL CONSUMPTION.**

3 (a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of law (including sections 402 and 801 of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C. 342 and 381)),
6 Guam shall be deemed to be within the customs territory
7 of the United States in the case of importation from Guam
8 into the United States of betel nuts (also known as “areca
9 nuts”) by an individual for personal consumption by the
10 individual.

11 (b) *DEFINITIONS.*—In this section:

12 (1) *BETEL NUTS.*—The term “betel nuts” means
13 husked betel nuts grown in Guam.

14 (2) *CUSTOMS TERRITORY OF THE UNITED*
15 *STATES.*—The term “customs territory of the United
16 States” has the meaning given the term in general
17 note 2 of the Harmonized Tariff Schedule of the
18 United States.

19 **SEC. 5. COMPACT IMPACT REPORTS.**

20 Paragraph 104(e)(2) of Public Law 99–239 (99 Stat.
21 1770, 1788) is amended by deleting “President shall report
22 to the Congress with respect to the impact of the Compact
23 on the United States territories and commonwealths and
24 on the State of Hawaii.” and inserting in lieu thereof the
25 following: “Governor of any of the United States territories
26 or commonwealths or the State of Hawaii may report to

1 *the Secretary of the Interior by February 1 of each year*
2 *with respect to the financial and social impacts of the com-*
3 *pacts of free association on the Governor's respective juris-*
4 *diction. The Secretary of the Interior shall review and for-*
5 *ward any such reports to the Congress with the comments*
6 *and recommendations of the Administration. The Secretary*
7 *of the Interior shall, either directly or, subject to available*
8 *technical assistance funds, through a grant to the affected*
9 *jurisdiction, provide for a census of Micronesians at inter-*
10 *vals no greater than five years from each decennial United*
11 *States census using generally acceptable statistical meth-*
12 *odologies for each of the impact jurisdictions where the Gov-*
13 *ernor requests such assistance, except that the total expendi-*
14 *tures to carry out this sentence may not exceed \$300,000*
15 *in any year."*

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